

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:13-CV-231-BO

DOUGLAS E. MCPHAIL, )  
)  
Plaintiff, )  
)  
v. )  
)  
WELLS FARGO DEALER SERVICES )  
)  
Defendant. )  
\_\_\_\_\_ )

ORDER

This matter is before the Court on the Memorandum and Recommendation (“M&R”) of United States Magistrate Judge Robert B. Jones [DE 6] regarding plaintiff’s motion to proceed *in forma pauperis* and for frivolity review pursuant to 28 U.S.C. § 1915. No party has filed objections to the M&R in this matter. The Court ADOPTS the M&R and DISMISSES plaintiff’s pro se complaint.

DISCUSSION

Plaintiff alleged claims under the Fair Credit Reporting Act, the Fair Credit Billing Act, the Fair Debt Collection Practices Act, and various state laws. After a frivolity review, Magistrate Judge Jones recommended that these claims be dismissed. The Court adopts the M&R because no party has made objections to the M&R and because the M&R is not clearly erroneous or contrary to law. 28 U.S.C. § 636 (b)(1)(B).


A district court is only required to review an M&R *de novo* if the plaintiff specifically objects to it or in cases of plain error. *Id.*; *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). In this case, the Magistrate Judge committed no plain error and no party has objected to the M&R.

### CONCLUSION

The Court ADOPTS the Magistrate Judge's recommendations [DE 6]. The plaintiff's claim under the Fair Credit Reporting Act is DISMISSED WITHOUT PREJUDICE; the plaintiff's claim under the Fair Credit Billing Act is DISMISSED WITH PREJUDICE; the plaintiff's claim under the Fair Debt Collection Practices Act is DISMISSED WITHOUT PREJUDICE; and the Court declines to exercise jurisdiction over the remaining state law claims identified in the plaintiff's complaint.

SO ORDERED.

This the 11 day of July, 2013.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE